

09/595,647

MS150658.01

REMARKS

Claims 1-30 are currently pending in the subject application and are presently under consideration. Amendments to the specification have been made herein to correct minor informalities. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Defective Oath/Declaration

The Examiner contends that a new oath/declaration is required because there are non-initialed and/or non-dated alterations made to the oath/declaration rendering it defective. It is respectfully submitted that the declaration is not defective for at least the following reasons.

Pursuant to 37 CFR § 1.52(c)(1): "any interlineations, ... or other alteration of the application papers filed must be made *before the signing of any accompanying oath or declaration* ... should be dated and initialed or *signed by the applicant on the same sheet of paper.*" The subject alterations made at pages 2 and 3 of the declaration were made concurrently with the signing and dating of the document on the same pages. Accordingly, the declaration is not defective; and this rejection should be withdrawn.

II. Rejection of Claims 1, 7, 8, 15-18, 23-25 and 27-29 Under 35 U.S.C. §102(e)

Claims 1, 7, 8, 15-18, 23-25 and 27-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hanson (U.S. 6,546,425). It is submitted that this rejection be withdrawn for at least the following reasons. Hanson does not teach or suggest each and every limitation of the subject claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

09/595,647

MS150658.01

The claimed invention relates to systems and methods for parallel asynchronous command execution. A first computer system is able to request remote procedures *via* a non-persistent connection. While waiting for completion of remote execution, the first computer is able to perform other tasks and is able to execute a plurality of parallel commands without waiting for results from any particular command. (See e.g., page 7 lines 15-22).

Independent claims 1, 17, 18, 23, 24, 27 and 28 recite similar limitations regarding a computer system that communicates via a ***non-persistent connection*** to invoke a remote procedure in a second computer system and upon completion of the remote procedure the second computer system ***generates an event trigger***. Hanson does not teach or suggest such novel features of applicants' claimed invention.

Rather, Hanson discloses a Mobile End System operating in conjunction with a Mobile Management System, and a Fixed End System. The Mobile Management System of Hanson provides a *continuous* data connection between the Mobile End System and the Fixed End System by acting as a *proxy* for the Mobile End System. "This proxying by the Mobility Management Server allows the application on the Mobile End System to maintain a *continuous connection* even though it may temporarily lose its physical connection to a specific network medium." (See col. 3, lines 29-33, see also col. 2, lines 60-67, col. 7, lines 36-43 and col. 9, line 65 through col. 10, line 3). The Mobile End System sends a remote procedure call to the Mobility Management Server. The remote procedure calls "contain the entire network transaction initiated by an application running on the Mobile End System 104." (Col. 9, lines 36-41, col. 4, lines 5-10). The Mobility Management Server "provides the requested service (for example, acting as a *proxy* to the Mobile End System application 208 by passing data or a response to an application server process running on Fixed End System 110)." (Col. 11, lines 61-67). Thus, the Mobility Management System is acting as a *pass-through* for the Mobile End System and Fixed End System.

The Office Action incorrectly asserts that the "first computer system" of claim 1 is either the Mobile End System or Fixed End System of Hanson and the "second computer system" is either the Mobile Management System or other End System. However, the proxy function of the Mobile Management System is crucial to Hanson since "Mobility Management Server 102 enables Mobile End System 104 to communicate with Fixed End System(s) ...". Thus, contrary to the aforementioned contention, the Mobile End System and Mobile Management System of

09/595,647

MS150658.01

Hanson effectively comprise a single computer system since the one is acting *in lieu of* the other. As such, the first computer system (Mobile End System and Mobile Management System) does not have a *non-persistent connection* to a second computer system (Fixed End System) since Hanson specifically states, "Mobility Management Server 102 serves as a network level proxy for ... Mobile End System 104 ... by handling the complex session management *required to maintain persistent connections* to any peer systems 110 that host network applications ..." (Col. 7, lines 35-43). Hanson also discloses:

If a Mobile End System 104 becomes unreachable, suspends, or changes network address (e.g., due to roaming from one network interconnect to another), *the Mobility Management Server* 102 maintains the connection to the host system 110 or other connection end-point, by acknowledging receipt of data and queuing requests. This proxy function means that the peer application never detects that the physical connection to the Mobile End System 104 has been lost—allowing the Mobile End System's application(s) to effectively maintain a continuous connection with its associated session end point...

(Col. 9, line 59 through col. 10, line 7). The host system discussed above is the Fixed End System.

Assuming arguendo, that the Mobile Management System and the Mobile Management System are two separate computer systems as *incorrectly* contended in the Office Action, the Mobile Management System is not *generating* an event trigger as in applicants' claimed invention. Hanson discloses that the Fixed End System *generates* the events. (See col. 19, lines 35 through col. 20, line 36) - the events are *issued* (i.e., generated) by the Fixed End System and sent to the proxy server (Mobile Management System) and the proxy server receives/accepts the event and transmits/forwards these events to the Mobile End System. (*Id.*). The Mobile Management System of Hanson is not *generating* any events but merely serving as a proxy (or pass-through) for the Fixed End System.

In view of at least the foregoing, Hanson does not teach or suggest all limitations recited in independent claims 1, 17, 18, 23, 24, 27 and 28 (and claims 2-16, 19-22, 25-26 and 29-30 which depend there from). Accordingly, withdrawal of this rejection is requested.

09/595,647

MS150658.01

III. Rejection of Claims 2-6, 9-14, 19-22, 26 and 30 Under 35 U.S.C. §103(a)

Claims 2-6, 9-14, 19-22, 26, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hanson. This rejection should be withdrawn for at least the following reasons. Claims 2-6, 9-14, 19-22, 26 and 30 respectively depend from independent claims 1, 18, 24 and 28; and as discussed *supra*, Hanson does not teach or suggest applicants' invention as recited in these independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731